

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

No. CV 16-00702-WJ-SMV

No. CR 01-00253-WJ

KEVIN P. BOWEN,

Defendant/Movant.

**ORDER STAYING CASE PENDING
TENTH CIRCUIT AUTHORIZATION PURSUANT TO 28 U.S.C. § 2255(h)**

THIS MATTER is before the Court under Rule 4 of the Rules Governing Section 2255 Proceedings on Defendant/Movant Kevin P. Bowen's Motion To Vacate Judgment Under 28 U.S.C. § 2255. [CV Doc. 1; CR Doc. 112] This is a successive § 2255 Motion and Bowen has not yet obtained authorization to proceed from the United States Court of Appeals for the Tenth Circuit. *See* 28 U.S.C. § 2255(h). The Court notes, however, that Bowen has filed a Motion for Permission in the Tenth Circuit, seeking authorization to proceed with his § 2255 Motion. *See In re: Bowen*, No. 16-2157 (10th Cir. June 24, 2016). The Tenth Circuit has abated Bowen's Motion for Permission, pending further order from the Court. [CV Doc. 3; CR Doc. 113] In light of the foregoing, the Court will order this case stayed pending the Tenth Circuit's ruling on Bowen's Motion for Permission.

IT IS ORDERED that this matter is STAYED pending the ruling of the United States Court of Appeals for the Tenth Circuit on Bowen's Motion for Permission to file a second or successive habeas petition under 28 U.S.C. § 2255.



STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE